

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-F-02-5176 REC
	)	
	)	ORDER DENYING MOTION FOR
Plaintiff/	)	MODIFICATION OF TERM OF
Respondent,	)	IMPRISONMENT PURSUANT TO 18
	)	U.S.C. § 3582(c)(2)
vs.	)	
	)	
JAIME ZEPEDA-GOMEZ,	)	
	)	
	)	
Defendant/	)	
Movant.	)	
	)	
	)	

On January 9, 2006, movant Jamie Zepeda-Gomez filed a motion for modification of term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2). Movant contends that he is entitled to modification of his sentence because of the Supreme Court's decision in United States v. Booker, 543 U.S. 220 (2005).

Movant is not entitled to relief sought by his motion pursuant to Section 3582(c)(2). Movant's motion is based on a ruling by the United States Supreme Court, not on a sentencing

1 range that has subsequently been lowered by the Sentencing  
2 Commission pursuant to 28 U.S.C. 994(o) as required by Section  
3 3582(c)(2). See e.g., United States v. Moreno, 421 F.3d 1217,  
4 1220 (11<sup>th</sup> Cir. 2005); United States v. Gudino-Martinez, 2005 WL  
5 1126840 (E.D.Wash. 2005).

6 ACCORDINGLY:

7 1. Movant's motion for modification of term of imprisonment  
8 pursuant to 18 U.S.C. § 3582(c)(2) is denied.

9 IT IS SO ORDERED.

10 **Dated: January 10, 2006**  
668554

**/s/ Robert E. Coyle**  
UNITED STATES DISTRICT JUDGE